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09/921,467	08/03/2001	Timothy L. Goldstein	10007816-1	7037

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HEWLETT-PACKARD COMPANY  
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P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,467

Applicant(s)

GOLDSTEIN, TIMOTHY L.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/13/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-24 are subject to examination.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said transmitter" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States<sup>3</sup> before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-8 and 11-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirani et al. (hereinafter Kirani) (US 2002/0032027 A1)

**Referring to claim 1,**

Kirani teaches an electronic device having digital data stored thereon, said electronic device (Fig. 9, element 913) comprising:

a packetizer for manipulating said digital data into a plurality of packets; (page 13, para.0139)

a communication controller for opportunistically establishing communication between said electronic device and at least one remote transport device; (page 18, para. [0175], page 17, para.[0167]) and

a transceiver for singly transmitting copies of said packets to said at least one remote transport device and receiving communication signals from ones of said at least one remote transport devices to manage memory resources for the electronic device. (Fig.9, page 17, para.[0174])

**Referring to claim 2,**

Kirani teaches the electronic device of claim 1 further comprising:

a memory controller for singly deleting said digital data that corresponds to said transmitted copies of said packets. (page 17, para.[0174], page 20, para.[0198])

**Referring to claim 3,**

Kirani teaches the electronic device of claim 1 further comprising:

an interactive memory controller wherein a user selects ones of said digital data

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corresponding to said transmitted copies of said packets for deletion. (page 7, para.[0091])

**Referring to claim 4,**

Kirani teaches the electronic device of claim 1 wherein said at least one remote transport

a connection to a communication network (Fig. 9, elements 911 and 910);

a transceiver for facilitating communication with external devices; (fig.9, page 13, para.[0139]) and

a data processor for sending ones of said transmitted copies of said packets over said communication network. (Fig. 9, elements 911 and 910)

**Referring to claim 5,**

Kirani teaches the electronic device of claim 1 wherein said memory controller saves a reduced representation of said digital data.(page 17, para.[0172],[0174]).

**Referring to claim 6,**

Kirani teaches the electronic device of claim 1 wherein said transmitter is a wireless personal area network (WPAN) transmitter. (Fig.9, element 910, 911).

**Referring to claim 7,**

Kirani teaches the electronic device of claim 1 wherein said transmitter sends multiple copies of each transmitted packet. (page 17, para.[0174]).

**Referring to claim 8,**

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Kirani teaches the electronic device of claim 1 wherein said memory controller receives a signal acknowledging receipt of said transmitted copy before singly deleting said packet. (page 26, para.[0250])

**Referring to claim 11,**

Kirani teaches the electronic device of claim 1 further comprising: a file manager providing a user options for selecting ones of said digital data for transmission from said device. (page 7, para.[0091])

**Referring to claim 12,**

Kirani teaches a method for managing memory resources on an electronic device comprising the steps of:

packetizing data stored on said electronic device (page 13, para.[0139]);

establishing a communication link with at least one neighboring electronic device (fig.9, elements 910, 911);

transmitting a copy of a single packet to said at least one neighboring electronic device; (Fig.9, page 13, para.[0139]) and

communicating said transmitted copy from said at least one neighboring electronic device to a collection host. (fig.9, Abstract)

**Referring to claim 13,**

Kirani teaches the method of claim 12 further comprising the step of deleting said data corresponding to said single packet after said associated copy is transmitted.(page 17, para.[0174], page 20, para.[198]).

**Referring to claim 14,**

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Kirani teaches the method of claim 12 further comprising the step of selectably deleting said data corresponding to said single packet after said associated copy is transmitted.

(page 7, para.[0091])

**Referring to claim 15,**

Kirani teaches the method of claim 12 wherein said establishing step comprises the steps of:

broadcasting a hail within a transmission radius centered about said electronic device (fig. 9, elements 910, 911);

receiving reply transmissions from at least one neighboring electronic device within said transmission radius;(Fig.9, page 13, para.[0139]) and

creating a data channel between said electronic device and said at least one neighboring electronic device. (Fig.9, page 13, para.[0139])

**Referring to claim 16,**

Kirani teaches the method of claim 12 further comprising the step of transmitting additional copies of said single packet to other of said at least one neighboring electronic device.

**Referring to claim 17,**

Kirani teaches the method of claim 12 further comprising the steps of:

issuing an acknowledgment from said collection host addressed to said electronic device ; receiving said acknowledgment; and performing said deleting step after said receiving step. (page 26, para. [0250])

**Referring to claim 18,**

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Kirani teaches the method of claim 12 further comprising the step of:  
reassembling said received packets at said collection host into a copy of said data  
stored on said electronic device. (page 17, para.[0174])

**Referring to claim 19,**

Kirani teaches the method of claim 12 further comprising the steps of:  
partially reassembling said packets at said electronic device into a thumbnail version  
of said data stored on said electronic device prior to said deleting step; and storing said  
thumbnail version on said electronic device. (page 17, para.[0172]-[0174])

**Referring to claim 20,**

Kirani teaches the method of claim 12 further comprising the step of:  
checking said transmitted copy for errors.(page 13, para.[0137], page 17, para.[0174])

**Referring to claim 21,**

Kirani teaches a system of managing memory resources on an electronic device  
comprising:

means for packetizing original data stored on said memory resources page 13,  
para.[0139]);

means for hailing surrounding transport devices (Fig.9, elements 910, 911);

means for establishing communication channels with ones of said surrounding  
transport devices responding to said hail (Fig. 9, page 13, para.[0139]);

means for singly transmitting copies of said packets to said ones of said surrounding  
transport devices (page 13, para.[0139]);

means for forwarding said singly transmitted copies from said surrounding transport



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devices to a collection point; (Fig.9, Abstract)and means at said collection point for reassembling said forwarded copies into a copy of said original data. (page 17, para.[0174]).

**Referring to claim 22,**

Kirani teaches the system of claim 20 further comprising: means for saving reduced copies of said original data from ones of said packets corresponding to said transmitted copies. (page 17, para.[0172]-[0174])

**Referring to claim 23,**

Kirani teaches the system of claim 20 further comprising: means for selectively deleting portions of said original data corresponding to said transmitted copies of said packets. (page 7, para.[0091])

**Referring to claim 24,**

Kirani teaches the system of claim 21 further comprising: means for checking errors in said forwarded copies. (page 13, para.[0137], page 17, para.[0174])

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al. (hereinafter Kirani) (US 2002/0032027 A1) in view of Steinberg (US 6, 891, 567 B2).

**Referring to claims 9 and 10,**

Keeping in mind the teachings of Kirani as stated above, Kirani fails to specifically teach the electronic device of claim 1 further comprising: a switch for deactivating said transceiver, and the electronic device of claim 9 wherein said switch is selectable by a user.

Steinberg teaches in col. 5, line 19-24, "For example, a switch or key sequence can be provided that deactivates the transceiver by cutting off its power source, etc. This latter approach is preferably provided in the camera, according to the system requirements .."

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to add the capabilities of Steinberg to the teachings of Kirani such that the user can deactivate the transceiver by the selectable switch.

This would have been obvious because it provides a manual means for stopping transmission from the digital camera.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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